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CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

METRO FUEL LLC, a Delaware limited  
liability company,

Plaintiff,

vs.

CITY OF SAN FRANCISCO, a municipal  
corporation, COUNTY OF SAN  
FRANCISCO, a subdivision of the State  
of California, CITY AND COUNTY OF  
SAN FRANCISCO, a chartered California  
city and county and DOE 1 through DOE  
10,

Defendants.

Case No. C07-6067 JSW

**JOINT STATUS STATEMENT AND  
~~PROPOSED~~ ORDER**

1 WHEREAS, on May 8, 2008, the parties filed a stipulation and proposed order informing the  
2 Court that the parties were exploring a stay of the present litigation (Plaintiff Metro Fuel's agreement  
3 to stay the litigation was conditioned on Defendant City and County of San Francisco's agreement to  
4 stay enforcement of local ordinances at issue in the present litigation); and

5 WHEREAS, on May 9, 2008, the Court adopted the parties' proposed order and vacated the  
6 Court's April 17, 2008 order setting a briefing schedule on Defendant City and County of San  
7 Francisco's Motion to Dismiss and the June 20, 2008 hearing date; and

8 WHEREAS, since May 9, 2008, the parties have conducted extensive negotiations in an  
9 attempt to reach an agreement on staying enforcement of local ordinances at issue in the present  
10 litigation. Unfortunately, the parties have not been able to reach an agreement as of yet. The parties  
11 will continue to meet and confer in hopes of reaching such an agreement; and

12 WHEREAS, if the parties cannot reach an agreement, Defendant City and County of San  
13 Francisco will file an Answer to Plaintiff Metro Fuel's Amended Complaint and Demand for Jury  
14 Trial by Friday, May 30, 2008; and

15 WHEREAS, after Defendant City and County of San Francisco files its Answer, the parties  
16 will meet and confer on Rule 26 initial disclosures and an expedited discovery schedule; and

17 WHEREAS, the parties will file a joint status statement on June 6, 2008, proposing an  
18 expedited discovery schedule; and

19 NOW, THEREFORE, it is hereby STIPULATED and AGREED as follows:

20 1. If the parties cannot reach an agreement on a proposal to stay pending a decision by the  
21 Ninth Circuit in *Metro Lights, L.L.C. v. City of Los Angeles*, 488 F.Supp.2d 927 (C.D. Cal. 2006),  
22 *appeal docketed*, No. 07-55179 (9<sup>th</sup> Cir. Feb. 1, 2007) and *Metro Lights, L.L.C. v. City of Los Angeles*  
23 No. 04-1037, 2006 WL 4941839 (C.D. Cal. Nov. 3, 2006), *appeal docketed*, No. 07-55207 (9<sup>th</sup> Cir.  
24 Feb. 9, 2007), Defendant City and County of San Francisco will file an Answer to Plaintiff Metro  
25 Fuel's Amended Complaint and Demand for Jury Trial by Friday, May 30, 2008; and

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27 ///

28 ///

2. The parties shall file a joint statement by June 6, 2008, proposing an expedited discovery schedule.

DATED: May 23, 2008

DENNIS J. HERRERA  
City Attorney

By:                     /s/                    .  
THOMAS S. LAKRITZ

Attorneys for Defendant CITY AND COUNTY OF  
SAN FRANCISCO

DATED: May 23, 2008

EMERY CELLI BRINCKERHOFF & ABADY LLP

By:                     /s/                    .  
ERIC HECKER

Attorneys for Plaintiff METRO FUEL, LLC

IT IS SO ORDERED:

DATED: May 27, 2008

By:                     

  
THE HONORABLE JEFFREY S. WHITE